



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Ecological Services
Colorado Field Office
755 Parfet Street, Suite 361
Lakewood, Colorado 80215

IN REPLY REFER TO:
ES/CO: ES/GJ-6-CO-02-F-033
Permit Number: TE-059261
Mail Stop 65412

**FINDING OF NO SIGNIFICANT IMPACT
FOR ISSUANCE OF AN INCIDENTAL TAKE PERMIT
FOR THE PREBLE'S MEADOW JUMPING MOUSE
TO THE LEFEVER PROPERTY
EL PASO COUNTY, COLORADO**

The U.S. Fish and Wildlife Service (Service) is proposing to issue a section 10(a)(1)(B) permit under the Endangered Species Act of 1973 (16 U.S.C. 1531-1544, 87 Stat. 884), as amended (Act), to Thomas Lefever (the Applicant). The permit would authorize the incidental take of the federally threatened Preble's meadow jumping mouse (*Zapus hudsonius preblei*) (Preble's) in association with the construction of a single family residence at the Lefever Property, and associated driveway, out-building and utilities on a 5.4-acre property in El Paso County, Colorado. This property is located within Abert Estates Lot 4, Sections 9, Township 12 South, Range 66 West, in the Town of Black Forest, Colorado. The duration of the proposed permit is 10 years. The Environmental Assessment (EA) evaluates the potential environmental effects associated with construction of the proposed development. Approximately 0.56 of the 5.4 acres will be impacted by development. Populations of Preble's are known to occur along Black Squirrel Creek, running northeast to southwest along the southern edge of the drainage easement portion of the Lefever property. No other federally-listed threatened or endangered species are known to occur on the property.

The Applicant has prepared a Habitat Conservation Plan (HCP) which describes minimization and mitigation measures to be implemented to reduce and offset the effects of the proposed project on Preble's and its habitat. The implementation of the HCP is intended to contribute to the conservation of Preble's. The primary mitigation measure of the HCP is enhancement and restoration of vegetation on site at a ratio of 1.5:1 to offset proposed impacts. The permit authorizes a limited amount of incidental take associated with disturbances that will occur with the completion of the proposed project. These mitigation activities include restoration of 0.215 acres of temporary disturbance and the enhancement of 0.89 acres within a 4.515 acre conservation easement. Activities will consist of native shrub planting and native grass seeding.

This alternative was selected as the proposed action as it will allow development of the property and provide a conservation plan to minimize and offset the potential impact to Preble's by providing for on-site conservation measures that will promote viability of the species along Black Squirrel Creek.

Documents used in the preparation of this Finding of No Significant Impact include: the HCP and the EA for the HCP (Greystone Environmental 2002), the biological opinion on the Lefever Property permit application (Service 2002a) and the recommendations and findings for the Lefever Property residential project (Service 2002b). All documents are incorporated by reference, as described in 40 CFR 1508.13.

The proposed permit would authorize the incidental take of an unquantifiable number of Preble's within the permanent loss of 0.345 acres and 0.215 acres of temporary loss of floodplain riparian habitat at the Lefever Property site. This area provides potential foraging and hibernating habitat for Preble's. All construction activities will take place during the day. Because Preble's are nocturnal and they most frequently use riparian areas, no direct incidental take is anticipated. The Service is unable to determine the specific number of individuals of Preble's that would be taken because the numbers of individuals present on site may vary from year to year and due to their small size and secretive nature. Although take of individuals cannot be quantified, proper implementation of the HCP, which requires meeting identified performance standards, should ensure that Preble's will be maintained on the site.

The Service has determined that the permanent loss of 0.345 acres and 0.215 acres of temporary loss of potential habitat associated with issuance of the permit to Lefever Property would not compromise the status of Preble's or its recovery needs for several reasons. Mitigation will take several forms including preservation, enhancement, and restoration. The total mitigation area of 4.515 acres to be permanently preserved and protected on the property, as described in the HCP, includes approximately 0.215 acres of mixed grassland vegetation land that will be temporarily disturbed and restored and 0.89 acres that will be enhanced as Preble's habitat. During and following implementation of the mitigation measures, Preble's habitat on the property will be protected from activities that threaten Preble's including: grazing, water diversion, stream channelizations and sand and gravel mining. The 0.215 acres of restoration and 0.89 acres of enhancement and are fully described in pages 14-15 of the HCP. These measures should produce a net benefit to Preble's.

The environmental effects of the proposed project on other aspects of the human environment such as geology and soils, hydrology, air quality, light, noise, traffic, aesthetics, land use and cultural resources were analyzed in the EA. A summary of these issues and impacts is included in the EA. The Service finds that the proposed issuance of an Endangered Species Act section 10(a)(1)(B) permit for take of Preble's in association with the Lefever Property development project will not have a significant effect on the human environment for the following reasons:

1. The loss of 0.56 acres of potential habitat resulting from construction of the proposed project will not jeopardize the survival or recovery of Preble's.
2. The proposed mitigation measures are consistent with recovery of Preble's and are adequate to compensate for the loss of habitat and loss of individual Preble's.
3. The impact upon populations of native species, including sensitive species, will be minimal due to the small area subject to disturbance.

4. Minimal or no impacts will result to other listed species, other wildlife, wetlands, geology and soils, land use, cultural resources, air quality, and water resources and water quality as the result of the project onsite, offsite, or cumulatively.

The Service analyzed the effects of the issuance of a section 10(a)(1)(B) incidental take permit (the proposed action), and two additional alternatives in the EA: (1) preferred alternative; (2) wait for regional 10(a)(1)(B) permit for El Paso County; and (3) no action. The proposed project alternative involves issuance of a section 10(a)(1)(B) incidental take permit. The regional HCP alternative involves waiting for El Paso County to finalize a regional HCP. It is unknown at this time when the regional HCP will take effect or if it will address the proposed project. The no action alternative would mean that no further development occurs and no application for an incidental take permit would be processed. The project would be abandoned and conservation efforts to mitigate for impact to Preble's habitat would not take place.

The Service did not select the alternatives to the proposed action for the following reasons: (1) The regional HCP alternative was rejected due to the lack of a finalized Plan for El Paso County and possibility that the regional HCP may not address the proposed project; (2) The no-action alternative was rejected because it would place undue economic burden on the landowner who would not have purchased the property, and offer only limited environmental benefits of no further development of Preble's habitat on the site without remediating already impacted areas (as with the alternate site alternative) or enhancing Preble's habitat along Black Squirrel Creek (as with the proposed action).

Because it successfully balances environmental impacts with benefits to the community, the Service chose the proposed action as the preferred alternative. Although 0.345 acres of Preble's habitat will be permanently disturbed and an additional 0.215 acres will be temporarily disturbed, 0.215 acres will be restored and permanently preserved and protected within a 4.515 acre on-site conservation easement. Additionally, 0.89 acres within the conservation easement will be enhanced. Through the conservation measures described in the HCP, currently degraded habitat will be improved.

The Service published a Notice of Availability of an EA/HCP for issuance of an Incidental Take Permit for the proposed action in the *Federal Register* on July 8, 2002. Publication of the notice initiated a 60-day comment period. Copies of the EA/HCP were provided to interested parties. The Service did not receive any comments on the proposed action during the public comment period.

Based on my review and evaluation of the enclosed Environmental Assessment and Habitat Conservation Plan and other supporting documentation, I have determined that issuance of Endangered Species Act section 10(a)(1)(B) permit TE-059261 to the Applicant for take of the federally threatened Preble's meadow jumping mouse associated with the proposed Lefever Property Residential Development in El Paso County, State of Colorado, is not a major Federal Action which would significantly affect the quality of the human environment within the meaning of section 102(2)(c) of the National Environmental Policy Act of 1969. Accordingly, preparation of an environmental impact statement on the proposed action is not required. Therefore, an environmental impact statement will not be prepared.

John A. Blawie

U.S. Fish and Wildlife Service
Regional Director

12/19/02

Date

RELATED DOCUMENTS

U.S. Fish and Wildlife Service, 2002a. Intra-Service Section 7 Consultation and Biological Opinion on Issuance of an Incidental Take Permit to Lefever Property, El Paso County, Colorado, Colorado Field Office, Lakewood, Colorado.

U.S. Fish and Wildlife Service, 2002b. Findings and Recommendations on Issuance of an Incidental Take Permit for the Preble's Meadow Jumping Mouse to Thomas Lefever for construction of a single family residence on the 5.4-acre site in El Paso County, Colorado.

Greystone Environmental Consultants Inc., 2002. *Environmental Assessment/Habitat Conservation Plan for the Issuance of an Incidental Take Permit Under Section 10(a)(1)(B) of the Endangered Species Act for Construction of a Single Family Residence at Lefever Property, Inc.*, 16 pp. plus exhibits and appendices.